IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

1:22-cv-00134-M	IOC-WCM	
SYLVIA RENFROE,)	
)	
Plaintiff,)	ORDER
v.)	
)	
DOLLAR TREE STORES, INC.)	
)	
Defendant.)	
)	

This matter is before the court on Plaintiff's Motion to Compel Arbitration and to Stay Proceeding (Doc. 5).

On July 13, 2022, Plaintiff filed her Complaint. Doc. 1.

A summons was issued electronically as to Defendant on July 20, 2022.

Doc. 2.

On July 22, 2022, Plaintiff filed a similar motion to stay ("First Motion"), which stated that "[t]he Parties, by and through their respective counsel, hereby stipulate that the Parties previously entered into an enforceable Arbitration Agreement...which requires arbitration of the instant action" and that "Plaintiff stipulates that this matter should be compelled to arbitration, and that the instant action should be stayed pending arbitration." Doc. 3.

The undersigned denied the First Motion because it was signed only by Plaintiff's counsel, Defendant had not made an appearance through counsel,

and, since the First Motion was not accompanied by a certificate of service, the identities of any opposing counsel were not shown on the record and it was not apparent that any such attorneys had received appropriate notice of the First Motion. Doc. 4.

Plaintiff then immediately filed the instant Motion, which also asks the court to compel arbitration in this case.

While the new Motion is made only on behalf of Plaintiff, the filing is deficient for other reasons.

Pursuant to the Local Rules of this district, civil motions must show that counsel have conferred and attempted in good faith to resolve areas of disagreement, or describe the timely attempts of the movant to confer with opposing counsel. LCvR 7.1(b). The instant Motion, however, contains no such information. Further, although the Local Rules require civil motions to be accompanied by a brief, Plaintiff has not submitted one. LCvR 7.1(c). Finally, because defense counsel has not appeared and because the Motion, like the First Motion, lacks a certificate of service, it does not appear that Defendant has received any notice of Plaintiff's request.

Accordingly, Plaintiff's Motion to Compel Arbitration and to Stay Proceeding (Doc. 5) is **DENIED WITHOUT PREJUDICE**.

Plaintiff's counsel is strongly encouraged to review the Local Rules and is advised that any future motions should be filed in compliance with the Local Rules as well as the Federal Rules of Civil Procedure, with proper notice to Defendant.

It is so ordered.

Signed: July 27, 2022

W. Carleton Metcalf

United States Magistrate Judge